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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,184	03/13/2001	Makoto Kawai	107439-00034	9202

7590

09/22/2003

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EXAMINER
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TRIEU, VAN THANH

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 09/22/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/804,184

Applicant(s)

KAWAI ET AL.

Examiner

Van T Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-7,9-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-7,9-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 2-7, 9-12 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Doao** [US 5,917,405].

Regarding claims 14, the claimed on-vehicle unit comprises a vehicle condition monitor (the apparatus 1 installed in a vehicle includes a CPU 4 connected to vehicle ignition system 8, fuel pump system, 12 and vehicle equipment systems 11 for monitoring the vehicle operation functions, such as fuel, water, temperature electrical generator, alternator, battery level and other vehicle operation and system functions, see Figs. 1, 5B and 6, col. 24, lines 4-15); and the data server (server computer 510 connected to receiver 511, transmitter 512 and website 520 for communicating with the vehicle apparatus 1 having receive 3A, transmitter 4A, see Figs. 1 and 5B, col. 4, lines 1-67, col. 19, lines 61-67, col. 20, lines 1-67, col. 28, lines 44-67 and col. 29, lines 1-34); and on-vehicle unit comprises a vehicle condition monitor for monitoring a condition of the vehicle at a predetermined time interval and outputting vehicle condition data (the transmission of position data is repeated for a predetermined time interval, after which the GPS device calculates updated position of the data. The vehicle position data is

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received or monitored by the vehicle position system receiver, see col. 7, lines 30-35, or the CPU 4 will continue to interrogate the vehicle ignition system 7 after a predetermined delay period and continued to do so until the vehicle ignition system 7 is determined to be shutoff or non-operation, see col. 33, lines 33-37); and the storage section for storing the vehicle condition data from a predetermined past time to the present (the vehicle monitoring device such as audio and/or video recording devices or camera is equipped with a storage medium for storing the recorded audio and/or video related to the monitored vehicle, and a transmitter or transceiver for transmitting the stored audio and/or video data to a user or operator at a later time, see Figs. 1, 4 and 5, col. 23, lines 27-65 and col. 53, lines 10-46); and the abnormality determining section (the CPU 4 controls and monitors of any failures detected by the vehicle ignition system 8, the fuel pump system, 12 and the vehicle equipment systems 11 and report such failures or malfunction situation to the user or operator and/or for reporting such failures to a central office or computer server 950, see Figs. 5, 6 and 11B, col. 24, lines 32-46, col. 33, lines 10-37, col. 35, lines 1-44 and col. 44, lines 45-58); and the data server comprises a server communicator for receiving the vehicle condition data sent from the on-vehicle communicator (the receive 511, 953 of computer server 510, 952 receives a report of failures data or malfunction situation from the transmitter 4A of vehicle apparatus 1 to the individual or central office, see Figs. 5B and 11B, col. 24, lines 32-46, col. 28, lines 44-67 and col. 44, lines 45-58); and the portable communicator for communicating with the data server and the server communicator sends the abnormality informing signal output from the on-vehicle communicator to the portable

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communicator (the transmitter 957 of server computer 952 transmits any and all appropriate signals to the appropriate and respective devices such as the central security office 950, the portable transceiver 2 and/or the personal computer system PCS 150, wherein the PCS 150 may be adapted to a personal communication device or personal communication service devices includes portable and/or hand-held devices such as cellular telephone, see Figs. 1, 5B, 11A and 11B, col. 15, lines 23-34, col. 20, line 35-43, col. 44, lines 45-65, col. 46, lines 40-51, col. 49, lines 29-53); and the vehicle condition data includes conditions inside the vehicle as well as conditions outside the vehicle (the vehicle equipment 11 including video camera that can be located inside/interior or outside/exterior of the vehicle for video recording data/information inside and/or outside of the vehicle, see col. 23, lines 1-35).

Regarding claim 4, all the claimed subject matters are cited in respect to claim 14 above.

Regarding claims 2 and 3, all the claimed subject matters are cited in respect to claims 4 and 14 above.

Regarding claims 5-7, all the claimed subject matters are cited in respect to claim 4 above.

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Regarding claim 9, all the claimed subject matters are cited in respect to claim 14 above.

Regarding claims 10-12, all the claimed subject matters are cited in respect to claim 9 above.

Regarding claim 14, all the claimed subject matters are cited in respect to claim 14 above.

Regarding claims 15-17, all the claimed subject matters are cited in respect to claim 14 above.

### ***Response to Arguments***

2. Applicant's arguments filed on 02 December 2002 have been fully considered but they are not persuasive. Because,

#### **Applicant's arguments:**

(A) **Doao** fails to disclose or suggest the abnormality determining section is provided to determine whether an abnormality has occurred in the vehicle, based on the vehicle condition data stored in the storage section, and for outputting an abnormality informing signal when the abnormality has occurred in the vehicle.

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(B) **Doao** also fails to disclose a portable communicator is provided for communicating with the data server. The server sends the abnormality informing signal from the abnormality determining section to the portable communicator.

(C) **Doao** fails to disclose or suggests a vehicle condition monitor for monitoring a condition of the vehicle at a predetermined interval and output vehicle condition data.

(D) **Doao** fails to disclose or suggest that storage section for storing the vehicle condition data output from the vehicle condition monitor from a predetermined past time to the present.

Response to the arguments:

(A) **Doao** eventually indicates that the CPU/microprocessor 4 controls and determines the operation functions and the malfunctions/failures of the vehicle systems and subsystems such as the vehicle ignition system, fuel pump system, and vehicle equipment systems, and as well as the theft alarm system.

(B) **Doao** also teaches that the on-line service and/or internet processing site having a server computer and an RF receiver for receiving all signals from the CPU of the vehicle apparatus, wherein the all signals includes vehicle equipment systems, subsystem operation functions and the malfunctions/failures situation. The RF transmitter is connected to the server computer for transmitting any and all appropriate signals to the appropriate and respective devices of the arrangement of FIG. 11B during the apparatus operation, wherein the all appropriate signals includes the vehicle equipment systems, subsystem operation functions and the malfunctions/failures

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situation. The appropriate and respective devices includes a portable transceiver 2 and/or the personal computer service PCS 150 which may be adapted to a personal communication device or personal communication service devices includes portable and/or hand-held devices such as cellular telephone.

(C) **Doao** discloses the vehicle equipment 11 including the transmission of position data is repeated for a predetermined time interval, after which the GPS device calculates updated position of the data. The vehicle position data is received or monitored by the vehicle position system receiver. The equipment 11 also includes the CPU 4 will continue to interrogate the vehicle ignition system 7 after a predetermined delay period and continued to do so until the vehicle ignition system 7 is determined to be shutoff or non-operation.

(D) **Doao** discloses the vehicle equipment 11 may also includes the monitoring device such as audio and/or video recording devices or camera is equipped with a storage medium for storing the recorded audio and/or video related to the monitored vehicle, and a transmitter or transceiver for transmitting the stored audio and/or video data to a user or operator at a later time, see Figs. 1, 4 and 5, col. 23, lines 27-65 and col. 53, lines 10-46.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (703) 308-5220. The examiner can normally be reached on Mon-Fri from 7:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (703) 305-4717.

The office facsimile number is (703) 872-9314.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long horizontal flourish extending to the right.

**Van Trieu**  
**Primary Examiner**  
**Date: 9/17/03**